

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

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| VALERIE F. WILSON, |) |
| |) |
| Plaintiff, |) |
| |) No. 05-5164-CV-SW-DW-SSA |
| v. |) |
| |) |
| JO ANNE B. BARNHART, |) |
| Commissioner of the Social |) |
| Security Administration, |) |
| |) |
| Defendant. |) |

ORDER

Valerie F. Wilson appeals the denial of her applications for disability insurance benefits and supplemental security income. See 42 U.S.C. §§ 401 et seq.; 42 U.S.C. §§ 1381 et seq. She asserts a disability caused by diabetes, anemia, hypothyroidism, manic depression, and obesity. After a hearing, an ALJ found that Wilson was not under a “disability” as defined in the Social Security Act. The ALJ’s decision is the final decision of the Commissioner. This Court reverses and remands.

The Court reviews whether the Commissioner’s findings of fact are supported by substantial evidence on the record as a whole. See Stormo v. Barnhart, 377 F.3d 801, 805 (8th Cir. 2004). Substantial evidence is less than a preponderance, but enough that a reasonable mind finds adequate to support the ALJ’s determination. See id. at 805. The Court considers “evidence that supports the ALJ’s decision as well as evidence that detracts from it, but even if inconsistent conclusions may be drawn from the evidence, the agency’s decision will be upheld if it is supported by substantial evidence on the record as a whole.” Guilliams v. Barnhart, 393 F.3d 798, 801 (8th Cir. 2005).

The Court has carefully reviewed the record, including the briefs, the ALJ's decision, the transcript of the hearing, and additional medical and documentary evidence. Most of the ALJ's findings are clearly supported. However, the Court cannot now find substantial evidence supporting the findings as to Wilson's depression. Therefore, the Court will remand, with directions that a psychological consultative examination should be obtained, along with any other relevant records now available. With a more complete record, the ALJ may more fully evaluate the severity (or lack thereof) of Wilson's depression, and if necessary reconsider her RFC.

Therefore, the Court hereby REVERSES the decision of the commissioner, and ORDERS that this case is REMANDED pursuant to 42 U.S.C. § 405(g), sentence 4, for further proceedings consistent with this Order. The Clerk of Court is directed to enter a final judgment pursuant to Federal Rule 58.

SO ORDERED.

/s/ DEAN WHIPPLE
Dean Whipple
United States District Judge

Date: July 24, 2006